

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
KEVIN KAUFFMAN,

Plaintiff,

-against-

NEW YORK PRESBYTERIAN HOSPITAL,
Defendant.

ANALISA TORRES, District Judge:

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23 Civ. 4964 (AT) (RWL)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On June 12, 2023, Plaintiff *pro se*, Kevin Kauffman, filed this action against his former employer, New York Presbyterian Hospital (“NYPH”), after NYPH denied him a religious exemption from its mandatory COVID-19 vaccine policy and terminated him. Compl., ECF No. 1. Kauffman asserted religious-discrimination claims pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e *et seq.*; the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 290 *et seq.*; and the New York City Human Rights Law (the “NYCHRL”), N.Y.C. Admin. Code § 8-101 *et seq.* *See generally* Compl. In May 2024, the Honorable Robert W. Lehrburger recommended that the Court dismiss Kauffman’s claims without prejudice, ECF No. 25, and the following month, the Court adopted Judge Lehrburger’s recommendation in its entirety and entered an order of dismissal, ECF No. 26.

On July 16, 2024, Kauffman filed an amended complaint containing largely the same allegations as in his initial complaint. *See* Am. Compl., ECF No. 27. NYPH moved to dismiss the amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF Nos. 28–30. The Court referred the motion to Judge Lehrburger, ECF No. 32, who issued a report (the “R&R”) recommending that the Court dismiss the Title VII claim with prejudice for failure to state a claim, decline supplemental jurisdiction over Kauffman’s NYSHRL and NYCHRL claims, and deny leave to amend, *see generally* R&R, ECF No. 37. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *Id.* at 17; *see* Fed. R. Civ. P. 72(b)(2); Dkt. Entry 12/11/24. The Court, therefore, reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at *1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error in Judge Lehrburger’s thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS Judge Lehrburger’s R&R in its entirety. NYPH’s motion to dismiss is GRANTED. Plaintiff’s Title VII claim is DISMISSED WITH PREJUDICE, and his NYSHRL and NYCHRL claims are DISMISSED WITHOUT PREJUDICE. Leave to amend is DENIED. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 28, close the case, and mail a copy of this order to Plaintiff *pro se*.

Dated: January 8, 2025
New York, New York



ANALISA TORRES
United States District Judge